



City of Carmel

MINUTES
Carmel Board of Zoning Appeals
Hearing Officer
Wednesday, January 6, 2010
5:30 pm
Caucus Rooms

Present: Leo Dierckman, Hearing Officer
Connie Tingley, Recording Secretary

Staff members in attendance: Christine Barton-Holmes, Planning Administrator
Michael Hollibaugh, Director DOCS
Alexia Donahue Wold, Planning Administrator

Legal Counsel: John Molitor

Public Hearing:

1d. Kimbell Riding Arena

The applicant seeks the following development standards variance approvals:

Docket No. 09110008 V Section 25.01.01.B.1 accessory building height over 18-ft

Docket No. 09110009 V Section 25.01.01.B.3.a.i accessory building location in front of house

The 17-acre site is located at 3940 W 121st St. and is zoned S-1/Residence. Filed by Jeff & Linda Kimbell.

Present for the Petitioner:

Linda Kimbell, owner and Mark Heaver contractor

- Site plan of parcel
 - Irregular shaped parcel
- Location of arena on parcel; in front of house and garage
- Height 19 feet for clearance inside arena

Public Hearing closed

Department Report:

Christine Barton-Holmes

- Proposed arena located quarter acre from 121st right-of-way
- Lot over 17 acres
- No negative impact
- Private use only
 - Boarding other horses or giving lessons would require Use Variance

Department recommended positive consideration

Action: Mr. Dierckman APPROVED Docket Nos. 090110008 V and 09110009 V, Kimbell Riding Arena for building height over 18 feet and located in front of house/primary structure.

2d. 96th/Augusta Site Plan - Ray Stair

The applicant seeks the following development standards variance approvals:

Docket No. 09110032 V Section 23C.08.03.A Side yard setback when adjacent to residential

The site is located at 9641 N Augusta Dr. and is pending a rezone to B-5/Business, within the US 421 Overlay. Filed by the Dept of Community Services on behalf of Hamilton County and Stair Architecture.

Present for the Petitioner:

Mike Howard, Hamilton County Highway Department

- Necessitated by construction of roundabout and improvements to Augusta Drive and 96th Street by the Hamilton County Highway Department
- Existing office building will be moved to north edge of the parcel
 - Expanding building about 20-25 % on the first floor
- New right-of-way would go through existing building
- Involuntary taking
- Relief from north setback
- 150-foot regulated drainage easement
- Heavily wooded area
- House used for commercial purposes; no need for large setback

Randy Stair, son of owner

- Site plan of parcel
 - Parking lot at rear of parcel is 10 feet off property line
 - Flood plain area

Mr. Dierckman had driven by the location recently; nice-looking building.

Public Hearing closed

Department Report:

Christine Barton-Holmes

- Current buffering maintained
- Comfortable with the additional buffering on south

Department recommended positive consideration

Action: Mr. Dierckman APPROVED Docket No. 09110032 V, 96th/Augusta Site Plan – Ray Stair for side yard setback when adjacent to residential.

3d. 1800 106th Partners Variance

The applicant seeks the following development standards variance approval:

Docket No. 09120001V Section 5.04.03.A Reduced front yard setback

The site is located at 1800 106th St and is zoned S1/Residential.

Filed by The City of Carmel Department of Community Services on behalf of 1800 106th St Partners, LLC.

Present for the Petitioner:

Mike Hollibaugh and Alexia Donahue Wold, Department of Community Services

- City purchasing right-of-way along 106th Street for new waterline and multi-use path
 - Path and roadway indicated with new setback
- Part of 106th Street Trail funded by new bond approved by City Council
 - When completed, trail will stretch from Michigan Road to White River
- After City right-of-way purchase, no room to build with 40-foot setback
- Flood plain limits buildable area
- Old house torn down
- New setback will be 15 feet

Remonstrator:

Reina DeCapua, 11011 Greenbrier Drive

- Concerned with how close house will be to busy road
- Very urban area

Rebuttal:

Mike Hollibaugh

- Indicated location of new path and setback behind that
- Currently one parcel
- Lot of green space between path and edge of road

Mark Zukerman,

- Probably will construct wall or wrought iron fence between path and house
 - Similar to neighbor's fence
 - Designating private property
- Walked property for location of path and trees
- Will be staked in spring
- Cooperate with City, but still have useable, buildable area

Mr. Dierckman considered path part of green space.

Public Hearing closed

Department Report:

Christine Barton-Holmes

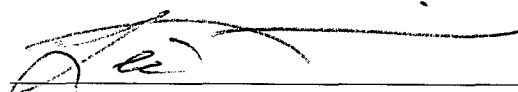
Department recommended positive consideration

Action: Mr. Dierckman APPROVED Docket No. 09120001 V, 1800 106th Partners Variance for reduced front yard setback.

Adjournment

The Hearing Officer adjourned the meeting at 5:45 PM.

Approved this 26th day of January 2010.


Hearing Officer – Leo Dierckman


Secretary – Connie Tingley